

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 21, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE DANIEL LEE,

Defendant.

No. 1:23-CR-02017-SAB-1

ORDER FOLLOWING
INITIAL APPEARANCE
AND ARRAIGNMENT
ON INDICTMENT

On April 19, 2023, the Court held a hearing for Defendant GEORGE DANIEL LEE's initial appearance and arraignment based on an Indictment. Defendant appeared in custody represented by Assistant Federal Defender Craig Webster. Assistant U.S. Attorney Frances Walker represented the United States. U.S. Probation Officer Erica Helms was also present.

Defendant was advised of, and acknowledged, his rights. The Court entered a plea of not guilty to the Indictment on Defendant's behalf. The Office of the Federal Defenders of Eastern Washington and Idaho was appointed to represent the Defendant in this matter.

United States Probation did not recommend detention of Defendant and the United States did not seek Defendant's detention. Defendant shall be released on the conditions of release set forth below.

1 Accordingly, **IT IS ORDERD:**

2 1. **Pursuant to Federal Rule of Criminal Procedure 5(f), the**
3 **Government is again advised:**

- 4 a. Pursuant to F. R. Crim. P. 5(f) of the Federal Rules of Criminal
5 Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable
6 decisions from the Supreme Court and the Ninth Circuit interpreting
7 *Brady*, the government has a continuing obligation to produce all
8 information or evidence known to the government relating to guilt or
9 punishment that might reasonably be considered favorable to the
10 defendant's case, even if the evidence is not admissible so long as it is
11 reasonably likely to lead to admissible evidence. *See United States v.*
12 *Price*, 566 F.3d 900, 913 n.14 (9th Cir. 2009). Accordingly, the court
13 orders the government to produce to the defendant in a timely manner
14 all such information or evidence.
- 15 b. Information or evidence may be favorable to a defendant's case if it
16 either may help bolster the defendant's case or impeach a prosecutor's
17 witness or other government evidence. If doubt exists, it should be
18 resolved in favor of the defendant with full disclosure being made.
- 19 c. If the government believes that a required disclosure would
20 compromise witness safety, victim rights, national security, a sensitive
21 law-enforcement technique, or any other substantial government
22 interest, the government may apply to the Court for a modification of
23 the requirements of this Disclosure Order, which may include *in*
24 *camera* review and/or withholding or subjecting to a protective order
25 all or part of the information.
- 26 d. This Disclosure Order is entered under Rule 5(f) and does not relieve
27 any party in this matter of any other discovery obligation. The
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consequences for violating either this Disclosure Order or the government's obligations under *Brady* include, but are not limited to, the following: contempt, sanction, referral to a disciplinary authority, adverse jury instruction, exclusion of evidence, and dismissal of charges. Nothing in this Disclosure Order enlarges or diminishes the government's obligation to disclose information and evidence to a defendant under *Brady*, as interpreted and applied under Supreme Court and Ninth Circuit precedent. As the Supreme Court noted, "the government violates the Constitution's Due Process Clause 'if it withholds evidence that is favorable to the defense and material to the defendant's guilt or punishment.'" *Turner v. United States*, 137 S. Ct. 1885, 1888 (2017), quoting *Smith v. Cain*, 565 U.S. 73, 75 (2012).

2. Defendant shall be released on the following conditions of pretrial release:

STANDARD CONDITIONS OF RELEASE

- (1) Defendant shall not commit any offense in violation of federal, state, tribal, or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement. Defendant shall not work for the United States government or any federal or state law enforcement agency, without the prior approval of a Judicial Officer and without prior notification to the supervising Pretrial Services Officer. Defendant shall comply with all conditions of supervision imposed by other courts.
- (2) Defendant shall reside at an address approved by Pretrial Services and advise the Court, defense counsel and the U.S. Attorney in writing at least twenty-four hours before making any change in address or phone number.
- (3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.

- (4) Defendant shall sign and complete A.O. Form 199C before being released and shall reside at the address furnished.
- (5) Defendant shall not possess a firearm, destructive device, or other dangerous weapon. There shall be no firearms in the home where Defendant resides.
- (6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.
- (7) Defendant shall contact defense counsel at least once a week.
- (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
- (9) Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.
- (10) Defendant shall surrender any passport and enhanced driver's license to Pretrial Services and shall not apply for replacements and any travel documents and/or passport for any country.

ADDITIONAL CONDITIONS OF RELEASE

- (11) Defendant shall remain in the Eastern District of Washington while the case is pending. Defendant may be permitted to travel outside this geographical area *with advance notice and approval* from U.S. Probation

- 1 (12) Defendant shall notify United States Probation/Pretrial Services Office
2 within 24 hours of any change in address, telephone number, or
3 employment.
- 4 (13) Defendant shall have no contact whatsoever, direct or indirect, with
5 any persons Defendant knows or reasonably should know are or may
6 become a victim or potential witness in the subject investigation or
7 prosecution. Prohibited forms of contact include, but are not limited to,
8 telephone, mail, email, text, video, social media, and/or any contact
9 through any third person or parties. Pretrial Services may but is not
10 required to exempt specific named individuals from this prohibition,
including but not limited to immediate family members or co-workers.
- 11 (14) Defendant shall participate in one or more of the following home
12 confinement program(s):

13 **GPS Monitoring:** The Defendant shall participate in a program of GPS
14 confinement. The Defendant shall wear, at all times, a GPS device
15 under the supervision of U.S. Probation. In the event the Defendant
16 does not respond to GPS monitoring or cannot be found, the U.S.
17 Probation Office shall forthwith notify the United States Marshals'
18 Service, who shall immediately find, arrest and detain the Defendant.
19 The Defendant shall pay all or part of the cost of the program based
20 upon ability to pay as determined by the U.S. Probation Office.

21 AND

22 **Home detention:** Defendant shall be restricted to his residence at all
23 times except for: attorney visits; court appearances; case-related
24 matters; court-ordered obligations; or other activities as pre-approved
25 by the Pretrial Services Office or supervising officer, including but not
26 limited to lawful employment, religious services, medical necessities,
27 substance abuse testing or treatment, or mental health treatment.

- 28 (15) Defendant shall submit to a mental health evaluation and undergo any
recommended treatment as directed by United States Probation/Pretrial
Services. Prior to commencing any evaluation or treatment program,
Defendant shall provide waivers of confidentiality permitting the
United States Probation/Pretrial Services office and the treatment
provider to exchange without qualification, in any form and at any time,
any and all information or records related to Defendant's conditions of
release and supervision, and evaluation, treatment, and performance in

1 the program. It shall be the responsibility of defense counsel to provide
2 such waivers.

3 (16) Defendant may not be in the presence of minors, unless a responsible
4 adult, who is aware of the charges in this case, is present at all times
5 and that adult has been approved for this purpose by United States
6 Probation. Defendant may not be within 500 feet of schools or
7 playgrounds or places where minors are known to congregate.

8 (17) Defendant shall not affiliate with, own, control, and/or be employed in
9 any capacity by a business, organization, and/or volunteer activity that
10 causes Defendant to regularly contact persons under the age of 18.

11 (18) Defendant shall not frequent places where minor-aged children are
12 present, such as malls, arcades, theaters, etc. Defendant shall not loiter
13 within 500 feet of a school, childcare facility, playground, park, athletic
14 field or facility, or any other business or facility having a principal
15 purpose of caring for, educating, or entertaining minors.

16 3. If a party desires that another Court review this order pursuant to 18
17 U.S.C. § 3145, that party shall promptly file a motion for review before the district
18 judge to whom the case is assigned, as further described in the Detention Order
19 Review Protocol published for the Eastern District of Washington. Both parties
20 shall cooperate to ensure that the motion is promptly determined.

21 **IT IS SO ORDERED.**

22 DATED April 21, 2023.



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A handwritten signature in blue ink, reading "James A. Goeke", is written over a horizontal line.

JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE